

REMARKS

Applicants have reviewed and analyzed the non-final Office Action dated July 21, 2008, and provide the following remarks and comments in response thereto. Claims 10-21 remain pending in this application. Reconsideration and allowance are respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 10-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks *et al.* (U.S. Patent No. 5,798,785 “Hendricks”) in view of Beer (U.S. Patent No. 5,793,368, “Beer”). These rejections are traversed for at least the following reasons.

Independent claim 10 recites, *inter alia*, “receiving, at the broadcast receiving device, one or more criteria for making the user requested modification *from the broadcast source*; determining, at the broadcast receiving device, whether the one or more criteria has been satisfied; and in response to determining that the one or more criteria is satisfied, modifying the electronic programming guide in accordance with the user request.” (Emphasis Added). Applicants respectfully submit that neither Hendricks nor Beer, alone or in combination, teaches or suggests the features of claim 10.

Hendricks discloses receiving menu formation information and reprogramming signals via a program control information signal. Hendricks, col. 26, l. 35-37, col. 27, l. 9-15. However, there is no teaching or suggestion in Hendricks of receiving *one or more criteria* for making the user requested modification *from the broadcast source*, as recited in claim 10. At most Hendricks describes changing color or menu formats. *See* col. 25, lines 52-57. However, Hendricks explicitly states that “changes to menus may be accomplished via the program control information itself and does not require reprogramming from the cable headend.” *Id.* The Office asserts, at page 3, that “proper interpretation of a user input is a necessary part of the operation of the system,” and that “a menu will only be displayed if the user inputs the correct commands for displaying said menu.” Even assuming, without conceding, that this statement is valid, Applicants respectfully submit that proper interpretation of user input does not constitute receiving one or more criteria *from a broadcast source*. The Office fails to identify any portion of Hendricks that teaches or suggests this arrangement.

The addition of Beer fails to cure the deficiencies of Hendricks with respect to claim 10. Beer discloses a graphical user interface stored on a computer that allows a user to input criteria

to the computer to modify the contents or visual styles. Beer, col. 3, l. 50-65. There is no teaching or suggestion in Beer of any broadcast source, let alone receiving one or more criteria for making a user requested modification *from the broadcast source*, as recited in claim 10. At most, Beer discloses a user interface description, which a user can manually edit to change the appearance of the user interface. Beer, col. 3, l. 50-67. Accordingly, Applicants respectfully submit that claim 10 is allowable over the cited combination of references.

Claims 11-13 depend from independent claim 10 and are allowable for at least the same reasons as discussed above with respect to claim 10 and further in view of the additional novel and non-obvious features recited therein.

Independent claims 14 and 18 have been amended to recite language similar to claim 10 and are thus allowable for substantially similar reasons as those discussed above with respect to claim 10. Claims 15-17 and 19-21 depend from claims 14 and 18, respectively, and are thus allowable for at least the same reasons as their respective base claims, and further in view of the additional novel and non-obvious features recited therein.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully requests reconsideration and allowance of the instant application. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: October 10, 2008

By: /Elizabeth A. Almeter/
Elizabeth A. Almeter
Registration No. 57,019

1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000